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TAUNTON PLANNING BOARD MINUTES  
Meeting held at Maxham School, 141 Oak St,  
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DATE: December 1, 2016

BOARD MEMBERS:     Bob Campbell, Chairman                     Dennis Smith  
                             Anthony Abreau, V.C.                     Arthur Lopes  
                             Manuel Spencer, Clerk                     Brian Carr  
                             Jody Fiore

ADVISORS:

Mark Slusarz, City Engineer  
Kevin Scanlon, City Planner

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Roll Call: Carr, Smith, Abreau, Lopes, Fiore, Spencer and Campbell. Also present was City Engineer Mark Slusarz. Meeting opens at 5:33 PM

Tony made motion to accept minutes of November 3, 2016 seconded by Arthur. All in favor.

**Public Hearing - Proposed Changes to the City of Taunton Zoning Map**

**To re-zone the following properties from Urban Residential District to Highway Business District. Properties located on Dana Street known as Property I.D. Map 54 Lot 213 known as 35 Dana St., Map 54 Lots 448 thru 454, and Map 54 Lot 171; and Map 54, Lot 455 located on Danforth Street, submitted by Henry Bernier R & F Motors, and Danber, Inc..**

Roll Call: Carr, Smith, Abreau, Lopes, Fiore, Spencer and Campbell present. Hearing opens at 5:33 PM  
Atty. David Gay, 73 Washington St, Taunton, Ma. was invited into the enclosure. Clerk Spencer read department letters from the City Planner and Conservation Commission which were placed on file. Atty. Gay stated they met with the City Planner to seek input and it was suggested including these properties with the abutting highway business district. The property is not suited for residential. There were some previous approvals for residential but never exercised. The property is next to railroad tracks and businesses. The petitioner has an agreement with R&R transportation to sell for this present business. He stated the City Planner is recommending zoning change. Atty. Gay stated there is a small office building on the corner lot and a separate parking area for employees. Atty. Gay stated they thought it was best to do zoning change because it's basically going to be zoned for what it is being used for. Atty. Gay explained what properties were included in the zoning change. Public input; Opposed: Brandy Couto, 3 Perry Ave. stated her window faces this property. She stated there was an overdose near the tracks and she is concerned with the existing trailers on the site that caught fire, property values, empty store fronts. Atty. Gay stated there will be no stores here just offices for R & F Transportation for his business. She also pointed out there as a homicide there a while ago. Atty. Gay stated he can't comment on the recent fire. His clients intends on improving their business.

**Tony made motion to forward a positive recommendation to the Municipal Council for this zoning change, seconded by Arthur. All in favor. Hearing closes at 5:49 PM**

**Public Meeting - Site Plan Review - 123 Hart Street - for a multifamily residential development with 4 buildings for a total of 8 units, submitted by Louis Borges.**

Clerk Spencer read letters from the DIRB and Beta Group into the record. Atty. William Rounds, Josh Borden, Chris Coute and Chris Moniz were invited into the enclosure. Atty. Rounds stated about 2 months ago they received a positive recommendation from this Board for the Special Permit for the Municipal Council public hearing. The changes from that meeting was the addition of an internal sidewalk and to make sure the fire department has adequate access. They have since had their DIRB meeting and all set with their conditions. They will incorporate all the DIRB and Beta conditions in their new plans. Chairman Campbell asked why the DIRB wanted a confirmatory deed. Atty. Rounds stated the lot was recently divided and there was never a single deed for the new lot. Brian stated the only issue he had was the amount of units. They asked if they received any response from the Fire Dept. and they answered no. Brian asked if there would be a homeowner's association and what value would each homeowner have to pay. Atty. Rounds answers yes and they are thinking about \$250 per year. Atty. Rounds stated there is no separate visitor parking but there is 12 parking and they are required to have 8. It was asked if a fire truck could maneuver the turn and Josh stated he used the software and the radii is met. There should be no problem. He stated he doesn't know why the fire Dept. didn't respond. Jody stated he thinks they have approved several project with a smaller radii. It was asked what changed from original plans? Josh states sidewalks, hydrant, 8" main to 4" and mailboxes. Manny asked about Beta's letter and they said their comments are typical and they have no problem with them. Open public Input: No one in favor or opposed.

**Jody made motion, seconded by Arthur, to approve the SPR with the following conditions:**

Condition #1) That the plans dated May 17, 2016 and revised through November 1, 2016 shall govern with the following additional conditions:

Condition #2) A set of updated plans shall be submitted that conforms to all the requirements of this decision before any building permit will be issued. Two sets are required.

Condition #3) Lighting shall not illuminate any portion of abutting properties.

Condition #4) The site shall be kept clean and clear of debris.

Condition #5) Two sets of As-Builts shall be submitted upon completion of all work on site and shall include certification notes and stamp by a Design Engineer (PE) and Land Surveyor (PLS) stating the development has been built according to the approved plans. Plans shall show at least all of the information on the proposed plans referenced in condition #1 above and all utility as-builts.

Condition #6) Add a concrete bound in the southwest corner.

Condition #7) Stonewalls will be preserved on the perimeter.

Condition #8) Handicap ramps will be provided at both ends of the sidewalk.

Condition #9) The lighting shall be moved to the sidewalk side of the access drive.

Condition #10) The driveways shall pitch away from the garages.

Condition #11) An asphalt berm shall be provided along the access drive and parking area.

Condition #12) A copy of a confirmatory deed shall be filed verifying the correct property lines.

Condition #13) The condominium association documents shall be reviewed and approved by the City and recorded prior to any building permits.

Condition #14) The dumpster shall be located on a concrete pad, enclosed with a stockade fence, be kept closed at all times and be emptied regularly.

Condition #15) An 18 to 24 inch grass strip shall be provided between the sidewalk and the berm.

Condition #16) The drainage plan shall be approved prior to any building permits.

Condition #17) Curb inlets shall be added to each catch basin.

Condition #18) Catch basins shall be added at the entrance off of Hart Street and shall be tied into the Hart Street drainage.

Condition #19) A confirmatory deed shall be provided prior to any building permits.

Condition #20) Within the City layout curbing shall be granite.

Condition #21) The mailbox access drive shall be reworked to be a bump out on the access drive with cross hatched striping, the green island being eliminated and the sidewalk meandering around the bump out and not through it.

**6 members in favor, 1 member opposed (Carr)**

**Public Meeting – Site Plan Review – 745 County St. - for a 4,500 square foot two-story addition to be used as an electrician's office & warehouse, submitted by John Brennick, III Manager, JAM Enterprises Realty Trust, LLC**

Clerk Spencer read letters from the DIRB and Beta Group into the record. Atty. Dianna Williams, Bob Forbes, Civil Engineer, and John & Anne Marie Brennick were invited into the enclosure. Atty. Williams stated they are proposing to renovate the existing dwelling plus put an addition to be used as an electricians' office and warehouse. There will be no retail here. They went to the ZBA and received approval for use and waiver of landscaping and that decision has been recorded at Registry of Deeds. Bob asked why a portion of the area of parking is designated as gravel? It was explained that area is for a truck to delivery product once a month and there is access to the overhead doors. Bob stated if they end up paving they would need to come back here for approval. City Engineer asked about if there would be bathroom in the new building? Yes and they will be tying into existing sewer. It was noted they will give Beta new plans and it was noted the proposed addition will NOT have a basement. Public Input. No one in favor or opposed.

Arthur made motion to close public input, seconded by Tony. All in favor.

**Manny made motion, seconded by Tony, to approve the SPR with the following conditions:**

Condition #1) That the plans dated September 20, 2016 and revised through October 14, 2016 shall govern with the following additional conditions:

Condition #2) A set of updated plans shall be submitted that conforms to all the requirements of this decision before any building permit will be issued. Two sets are required.

Condition #3) Lighting shall not illuminate any portion of abutting properties.

Condition #4) The site shall be kept clean and clear of debris.

Condition #5) Two sets of As-Builts shall be submitted upon completion of all work on site and shall include certification notes and stamp by a Design Engineer (PE) and Land Surveyor (PLS) stating the development has been built according to the approved plans. Plans shall show at least all of the information on the proposed plans referenced in condition #1 above and all utility as-builts.

Condition #6) Floor drains and an oil water separator is required due to the overhead doors.

Condition #7) Compliance with ZBA case # 3342 is required.

Condition #8) The dumpster shall be located on a concrete pad, enclosed with a stockade fence, be kept closed at all times and be emptied regularly.

Condition #9) The landscape plan shall be approved prior to building permit.

Condition #10) The overhead doors shall be shown on the plan.

Condition #11) A Hazardous materials plan is required from the Board of Health.

Condition #12) The water and sewer lines shall be shown on the plans.

Condition #13) A sign shall be added near the porch stating parking in rear.

Condition #14) No outdoor storage materials is permitted.

Condition #15) The legend shall be added to the site plan.

Condition #16) The free standing sign shall be shown on the plan. Only one is allowed per zoning for both businesses.

Condition #17) Show the water service on the plans and confirm the adequacy of the water supply.

Condition #18) A 20 foot landscaped buffer shall be preserved/provided along the northerly sideline.  
All in favor.

**Public Meeting – Site Plan Review – 148 North Walker St. -for a gas station and convenience store with 10 fueling positions, a drive thru window and pump island submitted by South Coast Development LLC .**

Atty. David Gay, Heather Monticup, P.E., John Marchand, P.E., Dominic Brown and Micky Higgins, South Coast Development were invited into the enclosure. Atty. Gay stated they went to ZBA on 10-13-16 and there were no appeal and they recorded the decision with the Registry of Deeds. They have no issues with the DIRB comments and they are aware they have to go to the Historic District Commission at the demo process. They are proposing a gas station/convenience store at the corner of No. Walker Street and Winthrop Street. They will screen the headlights from residences across the street. They all agree traffic is an issue and they have conducted and paid for the traffic study. Atty. Gay stated he grew up in the area and his 4 grandchildren live close by and he's aware of the existing traffic problem. He states hopefully this proposal will qualify for a light. Micky Higgins, spoke about the stores (New England Farms) he has in the southeastern mass with Berkley being the closes one. They have 6 in southern Massachusetts including Middleboro, Berkley, Wareham, Bourne, Carver and the newest one on Rtes. 44 & 58 Carver. He's excited to come to Taunton and there has been quite a lot of dialogue. Dominic explained they will have two 20,000 gallons underground gasoline tanks, 8,000 gals diesel, 12,000 gals super / regular. They will have 5 multiproduct fueling pumps. They are proposing a 140 x 26' canopy above the tanks. The store will be 4,728 sq. ft with a gable roof, asphalt shingles the traditional new England style. The dumpster will be enclosed with fence, and they will put fencing per the ZBA to prevent lights from glaring in neighbors houses. Atty. Gay stated the DIRB had some minor changes the plans like parking off Winthrop Street is now angled instead of parking over tanks. Atty. Gay stated Mr. Higgins keeps all his sites well maintained and well landscaped. Atty. Gay stated the ZBA placed condition that required Mr. Higgins contribute monies towards light. Atty. Gay stated Mass. Highway has standards that have to be met to get light. Heather explains the traffic study and data associated with it. She points out the traffic is already on road and on weekday during AM peak hours there would be 64 additional trips, 63 additional trips during PM peak hours. On Saturday there will be 45 new trips during peak hours. The proposed drive-thru for donut shop will be able to accommodate 13 vehicles with a minimum of 4-6 vehicles cueing and a maximum of 9-10 vehicles. She stated the impact at North Walker & Cohannet Street will be an increase is minimum, less than 10 seconds. She pointed out at North Walker Street southbound has a large delay now. She stated the data they collected warrants a light now. They meet all the 8 hour, 4 hour and 1 hour requirements and it's all documented. Mr. Higgins is obligated to contribute \$150,000 towards the signal but they would need to get grants for the remaining funding. Right now it's a level C. Manny stated he's aware of the traffic issue as a lot of members live in the area. He would like a light there. He asked if it exceeds the number of crashes. She stated there have been a lot of crashed but there is a lot of volume of traffic. Manny asked what would be the total cost? Micky said he is contributing \$150,000, 100% design of intersection. They really don't know how much until they see how and what needs to be done. Heather said it could be ½ million. They have to take into consideration if any property needs to be taken, re-locate poles, etc. Mickey said the ZBA wanted him to contribute \$200,000 but the compromised with \$150,000. He stated no one has stepped up to the plate and this is the best chance of getting light. Heather stated they would certainly be looking to get some grants to cover the light. There was some discussion about the design of the intersection should be to Mass. DOT standards. Atty. Gay suggesting have the Board contact their local senators and representatives in seeking help in getting funding. Heather said the traffic study shows there would be an 1.4% increase and she thinks Mr. Higgins is contributing his fair share towards the intersection. Brian asked if he owns New England Farms and Mickey answers yes. Atty. Gay stated they have the legal right to build here. Tony

said he wants them to design the intersection to Mass. DOT standards. He stated there was a previous project that didn't commit to the whole thing. Tony would like to see Mr. Higgins donate land if takings are needed? Brian asked if they are diesel and they answered 1 fueling pump under canopy but it's not a high speed nozzle. This would be the only gas station in the area until you get to Route 118 in Rehoboth. It was asked what was the cost of the traffic study and Heather answers \$50,000. It was asked if the design is \$300,000 would that hold you up and Mickey said yes. He stated they are also putting up fence for 2 neighbors. Jody stated he lives close by and he's concerned with entrance/exit and visibility. Atty. Gay stated that came up and they widen access areas and it will slow traffic. Heather said this is a State Highway and coming from Rehoboth the speed limit is 50 MPH and the speed limit reduces as you get closer to intersection. She stated going East the average speed is 33 mph and going west 34 mph. Chairman Campbell pointed out there is no pedestrian sidewalk and put trash receptacle between menu board and pick up window. He had some concerns about the drainage and asked if the design overflow is needed. Chairman Campbell said he didn't want water stored in drain pipes. He stated the ZBA addressed the delivery hours. Public Input: Rhoda Goodman, 137 North Walker Street stated there are numerous accidents here. She reminded the Board there are 3 clambakes during the summer. She had concerns with added traffic, more accidents, water, and the wildlife. Cindy Mason, 145 N. Walker Street lives diagonally across the street. She states her driveway is on N. Walker Extension and car speed by her street. She was pleased with the ZBA when they put condition about fencing. Public Input closed. Tony re-iterated that he wanted the plans to be designed per DOT standards and donate property if needed. Chairman Campbell stated they are committed to design and asked if they are required to get permit for signal? Heather stated they have to go for access permit well before any design plans for lights. Chairman Campbell suggested the City Engineer attend the meetings with Mass. DOT and Mark agreed. Dennis made motion, seconded by Manny, to approve the Site Plan Review with the following conditions:

Condition #1) That the plans dated August 18, 2016 shall govern with the following additional conditions:

Condition #2) A set of updated plans shall be submitted that conforms to all of the requirements of this decision before any building permits will be issued. Two sets are required.

Condition #3) Lighting shall not illuminate any portion of abutting properties.

Condition #4) Site shall be kept clean and clear of debris.

Condition #5) Two sets of As-Builts shall be submitted upon completion of all work on site and shall include certification notes and stamps by a Design (PE) and Land Surveyor (PLS) stating that the development has been built according to the approved plans. Plans shall show at least all of the information shown on the proposed plans referenced in condition #1 above and all utility as-builts.

Condition #6) The project shall file with the Historic District Commission and follow the demolition delay Ordinance.

Condition #7) Do not enter and one way signs shall be added at the exit to the drive-thru.

Condition #8) A food plan review from the Board of Health is required.

Condition #9) The landscape plan shall be approved prior to building permit per section 440-702 for landscaped buffer and interior landscaping.

Condition #10) An overflow for the underground detention system shall be provided.

Condition #11) A Hazardous materials plans is required from the Board of Health.

Condition #12) A copy of a confirmatory deed shall be filed verifying the correct property lines.

Condition #13) A copy of the Mass. Highway Curb Cut Permit shall be filed prior to applying for a building permit.

Condition #14) The dumpster shall be located on a concrete pad, enclosed with a stockade fence, be kept closed at all times and be emptied regularly.

Condition #15) The striped triangle on the east side shall be a landscaped island.

Condition #16) The free-standing sign shall be shown on the plan. Only one is allowed per zoning for both businesses.

Condition #17) A Copy of the Natural Heritage approved shall be approved prior to applying for a building permit.

Condition #18) The air and vacuum station shall be moved north of the underground gas tanks.

Condition #19) A tobacco permit is required from the Board of Health.

Condition #20) Compliance with the ZBA Case # 3338 decision and conditions is required.

Condition #21) The area over the underground tanks shall be striped cross hatched.

Condition #22) The 4 parking spaces over the gas tanks shall be removed, the tanks shifted to the east and 5 angled parking spaces shall be added along the side of the building.

Condition # 23) Applicant is responsible to pay for the design of Winthrop Street/North Walker Street signalized intersection sufficient to obtain a MassDOT/Highway Permit. .

Condition #24) Add features to accommodate safe pedestrian access from the sidewalks into the building.

Condition #25) Place and maintain a trash receptacle at the right side of the drive-up lane between order board and drive-thru window.

Condition # 26) The subservice storm water storage facility is to be reviewed and approved by the City Engineer to avoid storage within the drain lines themselves. The “lateral drains” shown on the revised plans are to be omitted.

Condition #27) Applicant is responsible for access permit for driveways.

Condition #28) The applicant has agreed to donate up to 12 foot wide strip along North Walker Street to supplement the street layout if needed for the improvements to the intersection.

All in favor.

**Tony made motion to send letter to State Senator & Representative asking for funding for Taunton. All in favor.**

**Sabbatia Landing Condos – Request to release surety – holding \$200,766.00 (all buildings released & built) owned by Sabbatia Landing LLC . Requesting change to parking paint layout spaces.**

Clerk Spencer read letter from Carlos Melo and dept. letters from the Fire Dept., Engineer and Conservation Commission. Chairman Campbell asked if the parking was striped and Carlos answers no. They wanted to see if they had to put visitor or residence on each space. Chairman Campbell didn't think he had to but Carlos said it was on the plans. It was the Boards assumption it was noted on plans to show they had enough parking. There was some discussion about pedestrian crosswalk at handicapped ramp. Chairman Campbell asked if he would put crosswalk where there is a handicapped ramp. After reviewing plans it was suggested painting crosswalk near building 6 & 6 and building 1 & 9.

**Jody made motion to allow the petitions to strip parking but not be required to letter the spaces (V for visitor or R for resident) and for developer to paint crosswalk near handicapped ramps where buildings 6 & 7 and buildings 1 & 9 are . Seconded by Dennis. All in favor.**

Carlos mentioned the Conservation Commission informed him the City doesn't have the State permit which allows him to build a dock per his approval.

**Tony made motion to reduce suety to \$25,000 seconded by Dennis. All in favor.**

**River Pines – update on completion.**

Clerk Spencer read communication from Richard Feodoroff relative to sidewalks. He stated the promised repair work to the driveway at 25 River Pines has not been done. He indicated if not done by the beginning of next week it's his intent to have his contractor cut the driveway back to the limit of the layout and make it work as best as possible. He indicated he will repair the driveway at 55 River Pines Drive in a similar manner and complete the sidewalk base in compliance with ADA requirements. The Board wants to make sure he constructs an ADA compliant driveway and sidewalk.

**Motion made and seconded to send letter informing him he is required to build an ADA compliant driveway and sidewalk. Still waiting for legal opinion from City Solicitor.**

The City Engineer noted there were some handicapped ramps need to be completed at Winthrop Heights Subdivision.

**Meeting adjourned at 8:12 PM**